US-VISIT Draft Programmatic Environmental Assessment on Potential Changes to Immigration and Border Management Processes

Executive Summary

Homeland Security

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EXECUTIVE SUMMARY

The New Reality

On September 11, 2001, nineteen terrorists, many in the United States illegally, plotted and executed atrocities against the United States. This tragedy altered the direction of the U.S. immigration and border management process.

Shortly after the events of September 11, 2001, a Commission was formed to investigate how such a tragic event could have occurred. The Commission was an independent, bi-partisan, 10-member group established by the U.S. Congress and President George W. Bush. Among other things, the 9/11 Commission found "…two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism" (9/11 Commission, 2004, p384).

The Problem

The complexity of the immigration and border management process has increased due to the need to share information among many different agencies. The border encompasses a large geographic area of 7,514 miles of border and 95,000 miles of shoreline. Currently there are 795 land ports, airports, seaports, pre-clearance stations in Canada and the Caribbean, Customs and Border Protection (CBP) Regional Offices, CBP Field Operations Offices, Detention and Removal Service Processing Centers (SPCs), USCIS (Citizenship and Immigration Services) District and Sub-Offices, USCIS Service Centers, USCIS Application Support Centers (ASCs), Immigration Customs Enforcement Special Agent In Charge (ICE-SAC) Offices, and Diplomatic and Consular Posts throughout the world which are all used to process and control the flow of people coming to, staying in, and leaving the United States. (See Figures 1-3.) These agencies and locations all play key roles in the immigration and border management community.

The ability to appropriately access and share real-time, transaction-level data in a secure fashion represents an increasing national security need throughout the immigration and border management community. Overlaying the evolution of this complex physical network are rapid technological changes (such as increased computer capacity and integration capabilities, remote sensing, biometric scanning, the internet and wireless networking). In this changing technological environment, the agencies responsible for securing our borders have relied on non-integrated mainframe-computer networks and databases, and paper-based processes for making decisions. Many of these agency-specific, mission-critical systems are aging and do not easily accommodate electronic transfer of information. Even today, when there is an emphasis on information sharing, this remains a difficult endeavor.

Addressing the Problem

Following September 11, 2001, a number of legislative, regulatory and policy initiatives were instituted to address security issues, including the formation of the Department of Homeland Security (DHS). Although many laws and regulations requir-

ing improvements to immigration processes predated September 11, the attacks brought renewed focus to the importance of these initiatives. DHS was formed to provide a unifying core for the vast national network of organizations and institutions involved in efforts to secure the nation. Under DHS, the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program was established to develop entry and exit processes and integrate immigration data and processes with other DHS agencies including CBP, ICE, USCIS and the Transportation Security Administration (TSA). US-VISIT also works in partnership with the Department of State (DOS), the Department of Justice (DOJ) and the Department of Transportation (DOT). The goals of US-VISIT are to enhance the security of our citizens and visitors; facilitate legitimate travel and trade; ensure the integrity of our immigration system; and protect the privacy of our visitors.

The Proposed Action

Through a multi-agency coordinated effort, US-VISIT is considering implementing potential changes to immigration and border management processes. Changes call for a program to establish:

- A system for capturing the unique identity of travelers (establishing a biometrically-based unique identity once for an individual at the earliest interaction, such as fingerprints at visa issuance posts).

- A system of data quality and standardization (such as developing data standards, requirements for metadata, system for data archiving).

- An integrated computer network that will provide the right information to the right users in the right context (data integration across agencies, such as displaying the necessary information to the decision-maker at subsequent interactions and associating information captured during a subsequent interaction to the individual's established unique identity).

- A system for recording and associating entry, exit and status events (such as enhanced processing and relational database development and management which would enhance search algorithms to improve the ability to match information to an individual).

This approach would rely heavily on technology solutions supported by physical infrastructure changes (such as construction of remote sensors/readers, installation of data transmission cables and/or towers, and infrastructure necessary to support the equipment).

Considering the Environment

Under the National Environmental Policy Act (NEPA), decision-makers are required to be aware of the environmental consequences of their decisions before they act. US-VISIT has prepared this Draft Programmatic Environmental Assessment (PEA) to consider the environmental effects of these proposed changes as well as reasonable alternatives. US-VISIT took a programmatic approach to the analysis because no matter where implemented, the proposed actions have common timing, common impacts, common alternatives, common methods of implementation and common subject matter. This programmatic analysis will inform policy and strategy development for modifying plans or systems in order to minimize potential environmental impacts. This approach allows decision-makers to prepare tiered analyses to discuss the particular resources and potential impacts at site-specific locations, or for specific initiatives and the appropriate mitigation, monitoring and adaptive management techniques before moving forward with specific proposals on the ground.

Considering the Alternatives

For the purposes of this analysis, the proposed action by US-VISIT will be referred to as the Hybrid Alternative. The term Hybrid captures a blend of technological and physical resource solutions that would be used to meet the purpose and need. Against this proposed Hybrid Alternative, three other alternative approaches were considered in this Draft PEA. These alternatives were as follows:

1) *No-Action Alternative*: This alternative calls for current processes for assessing individuals and planned improvements and/or increases to facilities, infrastructure, technology and staff to continue at the current rate without significant change. Entry, exit and status processes would continue as they are today with little, or virtually no infrastructure in place for exit processing. Existing challenges and gaps in information management processes would remain.

2) *Physical Border Alternative*: This alternative calls for expansion of existing ports of entry to meet demand for increased data collection to support the required interaction with a government official at every encounter. This alternative would introduce exit processes that mirror current entry processes as well as the physical infrastructure. This alternative also calls for constructing or reconstructing immigration and border management facilities, expanding lanes and roads at entry and exit points, and adding additional processes and personnel to meet the purpose and need described above. Insufficient space for expansion presents a significant challenge at some of the busiest land border ports of entry.

3) *Virtual Border Alternative*: This alternative seeks to move processes abroad to pre-position information for border decision-makers and use information technology and automated processes such as remote readers and smart chips to increase data acquisition at subsequent points of interaction. This is a technology focused alternative which would rely on decentralized acquisition of data (mostly abroad) and integrated databases so that decision-makers can access all appropriate information without collecting it at that point.

These actions, taken under the various alternatives, would occur within virtually every ecosystem in the United States. Within these ecosystems are rare, threatened and endangered species; non-attainment air quality areas; sensitive cultural and American Indian resources, and economies dependent on cross border trade. Of all the immigration and border management facilities, land ports of entry are the places where changes in processes and infrastructure are more likely to affect the environment and are therefore the focus of this analysis.

Summary of Findings

This Draft PEA is a qualitative analysis of the potential impacts to the natural environment. US-VISIT determined potential environmental impacts through the use of rank order data and expert judgment and through application of previous analyses and documentation. Findings are expressed categorically and alternatives are ranked in order of their potential to impact the environment (least to greatest environmental impact).

The top two alternatives in order of environmental preference are the Virtual Border Alternative and the Hybrid Alternative. While neither alternative would produce significant environmental effects, the Virtual Border Alternative ranks higher because it is assumed that information technology approaches, especially involving wireless transmission of data, in-motion recording of vehicles and individuals, and decentralized data collection and analyzing, could minimize impacts to wait times; some data collection would be pushed out to, and coordinated with, other countries and therefore reduce impacts on the environment at the border (e.g. the shorter the wait time, the less air pollution from idling vehicles, and the faster goods move through the border). The Hybrid Alternative ranks somewhat lower because more processing would be required at the land ports of entry. The Hybrid Alternative would have a medium level of impact on air quality, biological resources, energy, socioeconomics and water resources.

Rank Order Findings Least to Greatest Environmental Impacts by Alternative:

- Virtual Border
- Hybrid
- No Action
- Physical Border

Although the Virtual Border Alternative ranks slightly higher than the Hybrid Alternative in terms of environmental preference, neither alternative has significant impacts; the Hybrid Alternative is the proposed action because it ranks higher with respect to the other screening criteria considered by US-VISIT. In particular, the Hybrid Alternative is considered to be preferable from an operational standpoint because the costs for the development of this alternative are potentially the lowest, while being the most feasible for development. In particular, this alternative utilizes the skills of trained government employees in the immigration and border management community, whose decisions can not be automated or outsourced while maintaining the highest data integrity and likelihood of protecting the privacy of individuals, thereby reducing fraud. Where possible, these government employees would be augmented with technology as a force multiplier to expedite travel and trade.

A summary of potential environmental impacts by resource area and alternative is included in Table 1-Summary of Potential Environmental Impacts by Alternative.

Table ES1-Summary of Potential Environmental Impacts by Alternative

	ALTERNATIVE			
RESOURCE	**Virtual**	**Hybrid**	**No Action**	**Physical**
Air	1	1.5	2.5	3
Biological	1	2	1	3
Energy	2	2	2	2
Cultural, Historic and Tribal	1	1	1	2
Land Use	1	1	1	3
Noise	2	1	2.5	3
Socioeconomics/Environmental Justice	1	1.5	3	3
Waste	1	1	1	1
Water	1	2	1	2

Notes:
1-Green: Low, in the context of this programmatic environmental assessment, means small to no effect on the ability of the environment to absorb the change in activity, activity level or processes.

2-Yellow: Medium levels of impact mean there is some modest effect on the ability of the environment to absorb the associated change in activity, activity level or processes. However, medium impacts do not create effects that exceed regulatory thresholds.

3-Red: High levels of impact represent a high probability of regulatory non-compliance or a high probability of impacting natural systems beyond their ability to absorb the change (without mitigation). High impacts are not necessarily significant impacts. Significant impacts are high impacts that cannot be mitigated (below the threshold of non-compliance) or high impacts that cannot be reduced (through mitigation).

In order of potential environmental effects, the Physical Border Alternative has the greatest potential for direct environmental impacts. This is due to an increase in traditional construction activity, an increase in impervious surfaces, and the addition of exit stations and associated vehicle wait times which would likely result from implementing this resource-heavy alternative. The No-Action Alternative has the second greatest potential impact in the rank ordering, with impacts associated primarily with air and noise, and the trans-boundary dispersion of those air and noise emissions. These impacts are related to increased wait times associated with limited facilities from limited data or technology available to inspectors that could translate to longer inspection times. Socioeconomic effects are high in both these alternatives due primarily to the effects on trade, commerce and tourism.

Monitoring

Although none of the alternatives are expected to result in significant impacts, due to the nature of this impact analysis, there are reasons to monitor the operations of the program at the land ports of entry. Impact analysis is sensitive to: 1) the complexity or unique nature of a specific environment; 2) the frequency of growth of trade or commerce; 3) changing demographics; and 4) changing operations. US-VISIT will develop a toolbox that will serve as a resource for decision-makers throughout DHS and the immigration and border management community for ideas and requirements on minimizing environmental impacts.

Conclusion

When implementing any actions, the following should be considered: To the extent that data collection and data management are diffused to consular offices, domestic ASCs, other locations and foreign government facilities instead of focused on ports of entry, impacts would be avoided or minimized. Thus, unless extraordinary circumstances exist, implementation of the proposed actions in these locations would not need further analysis. To the extent that wireless transmission of data is used (over installation of underground cable/fiber optics) impacts would be minimized. To the extent that processes and organizational arrangements are refined instead of building physical infrastructure, impacts would be minimized. To the extent that system processes and organizational changes are made incrementally and after pilot testing, impacts would be minimized. In general, geographically diffused systems relying on highly technical solutions, implemented with appropriate processes and training, would likely produce the least environmental effects. Also, processes are more important than particular brands of electronic equipment. Consequently, decisions about purchasing electronic equipment for implementation of the proposed action needs no further consideration under NEPA.

This Draft PEA determined that no significant impacts would result, at a programmatic level, related to implementing the proposed action (Hybrid Alternative) or Virtual Alternative. Through tiered analyses, decision-makers may identify impacts at specific locations or for specific initiatives, and develop mitigation, as appropriate, to use to minimize those potential environmental effects.

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Figure 1: Map- ASCs Nationwide

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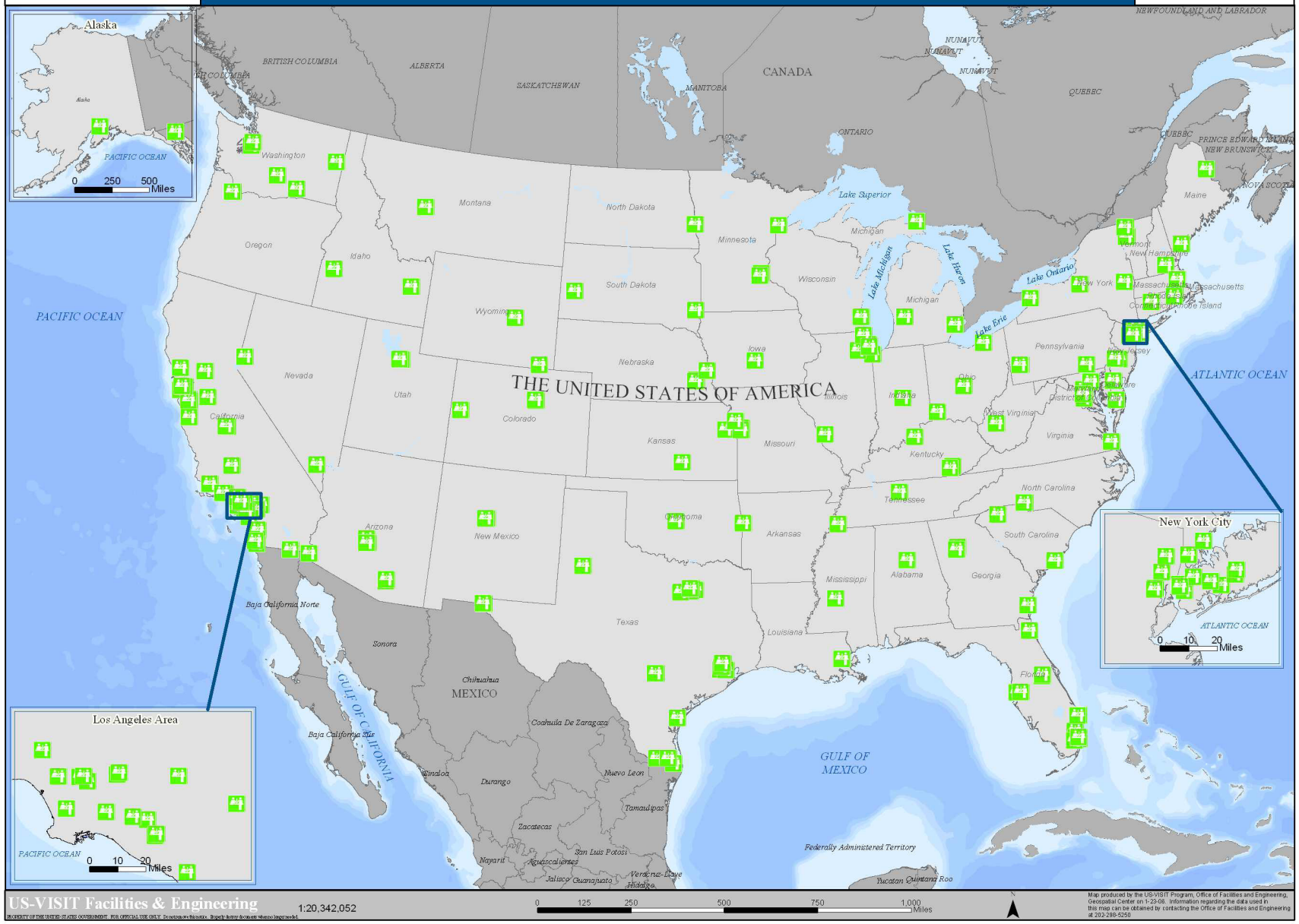

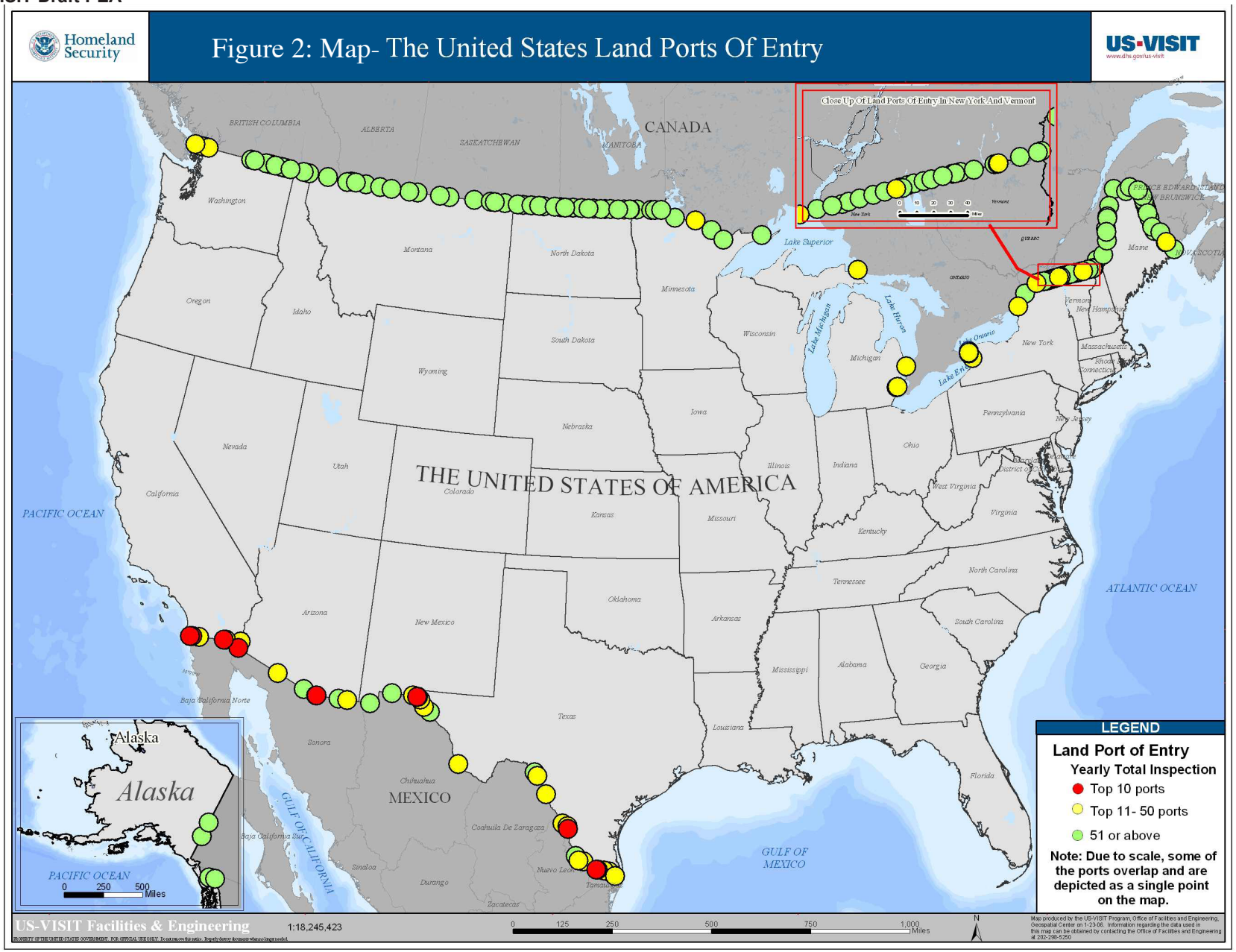
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Figure 2: Map- The United States Land Ports Of Entry
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Close Up Of Land Ports Of Entry In New York And Vermont
CANADA
BRITISH COLUMBIA
ALBERTA
SASKATCHEWAN
MANITOBA
THE UNITED STATES OF AMERICA
PACIFIC OCEAN
ATLANTIC OCEAN
GULF OF MEXICO
GULF OF CALIFORNIA
MEXICO
Alaska
Washington
Oregon
California
Nevada
Idaho
Montana
Wyoming
Utah
Arizona
Colorado
New Mexico
North Dakota
South Dakota
Nebraska
Kansas
Oklahoma
Texas
Minnesota
Iowa
Missouri
Arkansas
Louisiana
Wisconsin
Illinois
Michigan
Indiana
Ohio
Kentucky
Tennessee
Mississippi
Alabama
Georgia
Florida
South Carolina
North Carolina
Virginia
West Virginia
Pennsylvania
New York
Maine
Vermont
New Hampshire
Massachusetts
Rhode Island
Connecticut
New Jersey
Lake Superior
Lake Michigan
Lake Huron
Lake Erie
Lake Ontario
Baja California Norte
Baja California Sur
Sonora
Chihuahua
Coahuila De Zaragoza
Nuevo Leon
Tamaulipas
Zacatecas
Durango
Sinaloa
0 250 500 Miles
LEGEND
Land Port of Entry
Yearly Total Inspection
Top 10 ports
Top 11- 50 ports
51 or above
Note: Due to scale, some of the ports overlap and are depicted as a single point on the map.
US-VISIT Facilities & Engineering
1:18,245,423
0 125 250 500 750 1,000 Miles
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Map produced by the US-VISIT Program, Office of Facilities and Engineering, Geospatial Center on 1-23-06. Information regarding the data used in this map can be obtained by contacting the Office of Facilities and Engineering at 202-298-5250

Figure 3: Map- **US-VISIT Program Seaports And Airports**